

SR

Notice of Allowability

Application No.

10/731,947

Examiner

A. Dexter Tugbang

Applicant(s)

GILL ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on October 31, 2006.
2. ☒ The allowed claim(s) is/are 37-43 (renumbered as 1-7, respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>attached herein</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Guillot on December 11, 2006.

The application has been amended as follows:

Claims 21 through 26 have been canceled.

Claim 38 has been replaced with the following.

38. (Amended) A method according to claim 37, wherein the step of fabricating said second gap insulation layer includes the substeps of fabricating said first gap insulation layer portion by:

- a. depositing a thin film of metal on said electrical leads;
- b. oxidizing said thin film of metal to form a first metal oxide lamination;
- c. depositing a second [sheet] thin film of metal on top of the first metal oxide lamination;
- d. oxidizing the second [sheet] thin film of metal to form a second lamination; and
- e. repeating steps c and d to achieve a first multilayer laminated structure of a desired thickness; and
fabricating said second gap insulation layer portion by:
 - f. depositing a further thin film of metal on said sensor and said first gap insulation layer portion;
 - g. oxidizing said further thin film of metal to form a first metal oxide lamination of said second gap insulation layer portion;
 - h. depositing [a second sheet] another thin film of metal on top of the first metal oxide lamination of said second gap insulation layer portion;

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- i. oxidizing [the second sheet] said another thin film of metal to form a second metal oxide lamination of said second gap insulation layer portion; and
- j. repeating steps [c and d] h and i to achieve a second multilayer laminated structure of a desired thickness.

Claims 39 through 43 have been amended as follows.

In Claim 39, the phrase of “in the multilayer structure” (lines 1-2) has been deleted.

In Claim 40, the phrase of “in the multilayer structure” (lines 1-2) has been deleted.

In Claim 41, the phrase of “in the multilayer structure” (lines 1-2) has been deleted.

In Claim 42, “the thickness” (line 1) has been replaced with --a thickness--.

In Claim 43, “the preferred” (line 1) has been replaced with --a preferred--.

Conclusion


2. With respect to the priority, the examiner notes that no petition is required under 37 CFR 1.78(a) as the applicant(s) submitted the proper reference to parent application 09/772,780 in the original Transmittal that was filed with the application on December 9, 2003.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Dexter Tugbang whose telephone number is 571-272-4570. The examiner can normally be reached on Monday - Friday 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



A. Dexter Tugbang
Primary Examiner
Art Unit 3729

December 11, 2006